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DATE: April 5, 2004

OFFICIAL PAPER

Please deliver this and the following pages to:

Examiner: **Allen T. Cao**
U.S.P.T.O. Group Art Unit: **2652**
Telecopier No.: **703/872-9314**
U.S. Serial No.: **09/763,014 filed May 29, 2001**
Client/Matter No.: **IOMC-0039**
Sender's Name: **Michael J. Swope**
Pages to Follow: **9**

If transmission is not complete, please call our Seattle Office at (206) 332-1380.

COVER MESSAGE:

OFFICIAL FACSIMILE. PLEASE DELIVER TO EXAMINER IMMEDIATELY.

Attached hereto are the following documents:

1) Communication Regarding Issuance of a Notice of Abandonment and supporting documentation indicating that this Abandonment was sent in error.

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERY OF THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU

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DOCKET NO.: IOMC-0039

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APR - 5 2004

In Re Application of:

**Maki Wakita, Katsutoshi Mukaijima and
Shoji Takahashi**

Confirmation No.: 1290

Application No.: 09/679,228

Group Art Unit: 2652

Filing Date: October 3, 2000

Examiner: Allen T. Cao

For: CARD-TYPE MAGNETIC RECORDING DEVICE

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CERTIFICATE OF FACSIMILE TRANSMISSION

DATE: April 5, 2004

**I HEREBY CERTIFY THAT THIS PAPER IS BEING
FACSIMILE TRANSMITTED TO THE PATENT AND
TRADEMARK OFFICE TO FACSIMILE NUMBER
703-872-9314 ON THE DATE LISTED ABOVE.**

Michael J. Swope REG. NO. 38,041

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Dear Sir:

**COMMUNICATION REGARDING ISSUANCE OF
A NOTICE OF ABANDONMENT**

A Notice of Abandonment was issued in the above-identified application on March 10, 2004, for "failure to timely file a proper reply to the Office letter mailed on May 16, 2003." Attached is a copy of the return receipt postcard which serves as evidence that the Reply to the May 16, 2003 Office Action was in fact submitted and received at the U.S. Patent and Trademark Office on September 16, 2003.

An Advisory Action was then issued on October 10, 2003 indicating that the proposed amendment filed on September 16, 2003 would not be entered as it raised the issue of new matter.

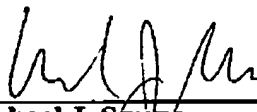
DOCKET NO.: IOMC-0039

PATENT

A Notice of Appeal from the Primary Examiner to the Board of Appeals Pursuant to 37 CFR §1.192 was then filed on November 13, 2003. A copy of that filing is attached for your records. Please note that at this time the Applicant now has until the maximum response date of June 13, 2004 to take further action. Therefore, the Notice of Abandonment was erroneously issued.

Following your request in our telephone conversation on March 30, 2004, we are attaching the above identified documentation for your records and further response. Applicant respectfully requests the issuance of the Notice of Abandonment be withdrawn.

Date: April 5, 2004



Michael J. Swape
Registration No. 38,041

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
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**RECEIVED BY THE UNITED STATES
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Paper: Reply Transmittal Letter (4 pgs. in dup. w/ express mail label);
Amendment in response to Final Rejection dated May 16, 2003;
clean version of substitute specification; version of substitute
specification with markings to show changes made; Petition
under 37 CFR§1.182 to Accept Amendment by Substitute
Specification; Verification of Translation signed by Naoyuki
Horibe; Declaration by Naoyuki Horibe; Declaration by Valerie
Chicchi; amount of \$240 to be charged to the deposit account;
return receipt postcard; all forwarded via Express Mail. No.
EL997978410US.

Applicant(s): Maki Wakita et al.

Title: Card-Type Magnetic Recording Device

Application No.: 09/763,014

Filed: May 29, 2001

Docket No.: IOMC-0039

Date Sent: September 16, 2003

Sent By: PAS/khowe



**RECEIVED BY THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

**Paper: NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF APPEALS PURSUANT TO 37 CFR § 1.192 (IN DUPLICATE WITH
EXPRESS MAIL STICKER) (3 PAGES); AUTHORIZATION FOR CHARGING
THE DEPOSIT ACCOUNT IN THE AMOUNT OF \$1170.00; NEWLY EXECUTED
ASSOCIATE POWER OF ATTORNEY; AND RETURN RECEIPT POSTCARD;
ALL SENT VIA EXPRESS MAIL LABEL #EL 997978065 US**

**Applicant(s): MAKI WAKITA, KATSUTOSHI MAKAIJIMA,
SHOJI TAKAHASHI**

Title: Card-Type Magnetic Recording Device

Application No.: 09/763,014

Filed: May 29, 2001

Docket No.: IOMC-0039

Date Sent: November 13, 2003

Sent By: Richard E. Kurtz / Michael J. Swope / Thoma



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Label 11-F June 2002

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Date in 11-13-03	Postage \$ 13.65	Return Receipt Fee <input type="checkbox"/>	Delivery Attempt Mo. Day	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
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FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com			EMS		

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PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APR - 5 2004

In Re Application of:

Maki Wakita, Katsutoshi Mukaijima,
Shoji Takahashi

Confirmation No.: 1290

Application No.: 09/763,014

Group Art Unit: 2652

Filing Date: May 29, 2001

Examiner: Allen T. Cao

For: Card-Type Magnetic Recording Device

OFFICIAL

EXPRESS MAIL LABEL NO: EL 997978065 US
DATE OF DEPOSIT: NOVEMBER 13, 2003

EL997978065US

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS PURSUANT TO 37 CFR § 1.192

Applicant hereby appeals to the Board of Appeals from the Decision of the Primary Examiner mailed and dated May 16, 2003 (Final Rejection) and Advisory Action mailed and dated October 10, 2003 finally rejecting claims 13-24 of the above-identified patent application.

The item(s) checked below are appropriate:

- ☐ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as : \
- ☒ Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4) to extend the time for response to the Office Action of May 16, 2003 to and through November 16, 2003 comprising an extension of the shortened statutory period of three months.

DOCKET NO.: IOMC-0039

**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

	SMALL ENTITY		NOT SMALL ENTITY	
	RATE	FEE	RATE	FEE
<input checked="" type="checkbox"/> NOTICE OF APPEAL	\$165	\$	\$330	\$330
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME	\$55	\$	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME	\$210	\$	\$420	\$
<input checked="" type="checkbox"/> THREE MONTH EXTENSION OF TIME	\$475	\$	\$950	\$950
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME	\$740	\$	\$1480	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME	\$1005	\$	\$2010	\$
<input checked="" type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID	minus	(\$)	minus	(\$110)
TOTAL FEE DUE		\$0		\$1170

- ☐ A check in the amount of \$ _____.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☒ Please charge my Deposit Account No. 23-3050 in the amount of \$1170.00. This sheet is attached in duplicate.

DOCKET NO.: IOMC-0039

**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account No. 23-3050. This sheet is provided in duplicate.

Date: NOVEMBER 13, 2003



Michael J. Swope
Registration No. 38,041

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